United Nations A/58/272

General Assembly

Distr.: General
8 August 2003
English
Original: Spanish

Fifty-eighth session
Item 115 of the provisional agenda*
Promotion and protection of the rights of children

Letter dated 4 August 2003 from the Permanent Representative of Honduras to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the document entitled "Report of the State of Honduras on the violent deaths of children and youths" (see the annex) and should be grateful if you would have it circulated as a document of the United Nations under item 115 of the provisional agenda of the General Assembly.

(*Signed*) Manuel Acosta **Bonilla**
Ambassador
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Annex to the letter dated 4 August 2003 from the Permanent Representative of Honduras to the United Nations

Report of the State of Honduras on the violent deaths of children and youths

This document presents the position of the Government of Honduras on the murders of children and youths from 1998 to date and summarizes the main actions undertaken. It also includes information on actions taken by the Government to protect environmental groups.

From 1998 until December 2002, 744 young people under the age of 18 had been murdered in Honduras. The majority of the killings occurred in urban areas, primarily in the two main cities, Tegucigalpa and San Pedro Sula; to date, the perpetrators of most of these crimes have not yet been apprehended. A significant number of these murders can be attributed to the dramatic increase in gang violence over the last two years.

The current phenomenon of gangs ("pandillas") in Honduras began in the 1990s, following the deportation of a number of young Hondurans with criminal records from the United States of America and the lack of resources to reintegrate them into the economy. These gangs have established a pattern of behaviour modelled on the gang culture in large urban areas of certain developed countries. Such gangs, whose members are mainly young urban adult males, are directly linked to the increase in the number of murdered children and youths.

Regarding the cases reported to the authorities prior to 2002, investigators encountered several difficulties that have prevented the determination of the causes thereof. The most noteworthy of such difficulties are:

- The lack of a centralized database that would permit corroboration of all the information received on the number of deaths;
- A shortage of specialized investigators;
- A lack of equipment and logistical support for field work;
- The lack of specific legislation on gangs ("pandillas" or "maras").

Attention also needs to be paid to ensuring the effective application of the new penal code, which is very sophisticated, although it still has many weaknesses, largely due to the lack of training and shortage of law enforcement officers.

The Government of President Ricardo Maduro has been committed to finding a lasting solution to these problems, the root causes of which are the appalling economic and social situation in the country.

Accordingly, in 2002, the President established the Permanent Commission for the Protection of the Physical and Moral Integrity of Children at a cabinet meeting. The Commission is composed of the Minister of the Interior and Justice as Chairman, the Minister of Security, the National Commissioner for Human Rights or Ombudsman, the Office of the State Procurator, the Honduran Institute for Children and the Family and the Coordinator of Private Institutions for Children and their Rights (COIPRODEN). The latter found, following an independent investigation, that 744 youths had been murdered over the last five years (1988-2003).

In August 2002, the Ministry of Security established a Special Investigation Unit on the violent deaths of children under the Directorate for Criminal Investigation. That Unit investigates murders of minors reported to the authorities. Sixty-six thousand and twenty-one (66,021) crimes were reported to the authorities in 2002. Of these, 4,761 were homicides, including 310 of minors.

The Government of Honduras condemns and does not tolerate nor in any way promote such atrocious criminal acts and accordingly makes considerable efforts to investigate such crimes and prosecute to the fullest extent of the law those found responsible for them. Following investigations, it was found that 74 of the cases were linked to gang violence. Of these 74 cases, 43 are currently before the courts, nine are in the hands of the Attorney-General's Office, while 22 are under investigation. Two of these cases, in which police officers were implicated, have been duly processed and prosecuted under the law.

A Special Investigation Unit on the Deaths of Minors has been established; it functions as a task force specializing in homicide cases. Members of this Unit are special investigators with experience in the investigation of offences against life. The Unit submits its periodic reports directly to the Minister of Security and the Minister of Interior and Justice.

The establishment of this Unit was prompted by the need for a more effective and targeted immediate response to such crimes. As was demonstrated by the following examples from the past three months of 2003, the Unit can, by focuses on that type of investigations, obtain evidence and results in a short period of time. As a result of the Unit's work, the individuals allegedly responsible for the murders of Elmer Funez Funez, a secondary school student, and the youths José Varela, Jose Velásquez, José Castillo, Ena Banegas and Wendy Cerrato (two of whom work at a private university in the capital) were identified fairly quickly (in less than two weeks). A Deputy Inspector of Police was identified as being responsible for the murder of Funez Funez; in the other cases, it was established without a doubt that gang members were responsible.

Moreover, in 2003, the Special Investigation Unit made considerable progress in its investigations of specific cases previously denounced by Casa Alianza in which agents of the State were alleged to have been involved. In that regard, the Unit solved 12 of 25 cases. The solved cases have already been submitted to the Public Prosecutor for appropriate action against those responsible. The involvement of State agents in some of those cases has been confirmed or ruled out.

The Unit is continuing with its work and hopes to continue to apply the same scientific and professional approach that it has applied thus far to solving the outstanding cases.

The Government of Honduras is making efforts to prevent and avoid such tragic deaths; however, the climate of insecurity that has been prevailing in the country for years does not make it possible to achieve the desired results in the short term. In order to change that situation and bring about an improvement in the aforementioned unfavourable environment, the involvement of citizens in crime prevention activities is being strengthened and a Plan for the Prevention, Rehabilitation and Social Reintegration of young gang members will be implemented in the next few days.

It should be underscored that the people and State of Honduras do not condone, have not condoned and will not condone such serious violations of human rights and that is why the Government will prosecute and punish those responsible for serious violations of human rights. The success achieved by the Special Unit in identifying the persons responsible for those murders encourages us to contemplate the future with greater hope and optimism.

Moreover, a law has been prepared to monitor and prevent the establishment of gangs ("maras" or "pandillas") with special provisions to stamp out this scourge.

Actions taken by the Government of Honduras to protect environmental groups

On Tuesday, 22 July, in response to various complaints from environmental leaders that they had received death threats from loggers in the forests of Honduras, President Ricardo Maduro met with representatives of the Olancho environmental movement, led by the environmental activist, Father Andrés Tamayo. As a result of that meeting, the President recently sent the Minister of Interior and Justice and the Minister of Security to inform Father Andrés Tamayo of the Government's intention to provide them with the same type of security as it had provided him and two of his activists in Gualaco Municipality. That sent a strong message that the Government would not tolerate any acts of violence against Father Tamayo and his colleagues.

In addition, the President of the National Congress, Mr. Porfirio Lobo, recently convened in Juticalpa a meeting between environmentalists and officials of the Honduras Forestry Development Corporation (COHDEFOR), whose Executive Board had also been requested by President Maduro to submit recommendations to him as soon as possible on measures that could be taken in response to the demands of the environmentalists.

The measures taken go even further than those demanded by the environmentalists themselves; the most important include:

1. A greater share for the municipalities in the profits from logging;

2. Community involvement in monitoring the implementation of forest management plans;

3. Community participation in resin extraction activities;

4. Launching of a major military operation in the entire Olancho area to prevent illegal logging. This operation, which began two weeks ago, has been so successful that during that period, 166,000 board feet of timber was confiscated;

5. Starting afforestation programmes and making it a requirement for those who cut timber to plant 400 hectares;

6. Establishment of daily schedules for the transport of round timber;

7. Registration of chainsaws to facilitate monitoring;

8. Requiring that development plans should also include environmental impact studies.

The Government also offered to provide personal security for environmental leaders in Olancho in accordance with a list to be submitted by them and to set up a commission to evaluate the forestry situation in Olancho.

President Maduro also invited the environmentalists to appoint a representative to represent them on the COHDEFOR Executive Board.

It was also agreed that the National Agrarian Institute (INA) should stop issuing authorizations in order to prevent the establishment of new farmer settlements in the Sico and Paulaya area.

The President of Honduras and the environmentalists undertook to continue taking the measures needed to stop the violence against environmental groups.